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Letter dated 19 February 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I attach the report of the Counter-Terrorism Committee on its revitalization, which was approved by the Committee on 19 February 2004 (see annex). I would appreciate your circulating the present letter and its annex as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman

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Annex

PROPOSAL FOR THE REVITALISATION OF THE COUNTER-TERRORISM COMMITTEE

I. BACKGROUND

1. On 14 November 2003 the Chair of the Counter Terrorism Committee, on behalf of the CTC, presented to the Security Council a Chairman's report (S/2004/70), which takes into account the opinions expressed by the members of the Committee, describing the main problems encountered and the challenges to be met for the proper and full compliance with UNSCR 1373 by States, the effective operation of the CTC itself and the strengthening of the Security Council with respect to the UNSCR 1373 (2001) implementation. In this regard, the conclusion of the said report states the obligation for the CTC to present to the Security Council a package of measures, which will contribute to solve the difficulties already identified.

II. RATIONALE OF THE NEED FOR THE REVITALISATION OF THE CTC

2. UNSCR 1373 (2001), together with the relevant provisions of the declarations annexed to UNSCR 1377 (2001) and 1456 (2003), provides the CTC's mandate. This legal framework must be maintained and reinforced. Moreover, the role played by the Security Council, through the CTC, in the fight against terrorism, must be maintained and reinforced as well. The measures proposed in this report must be understood as a way to consolidate what has already been achieved and to intensify the CTC's and the Security Council's work in this field.

3. The revitalisation of the CTC is necessary to strengthen the fight against terrorism within the United Nations by giving the CTC further means to fulfil its mandate of monitoring the implementation of UNSCR 1373 (2001).

4. The above-mentioned report (S/2004/70) shows that the present procedures and structures of the CTC should be reconsidered. This is particularly so since the CTC has evolved to assume a more proactive role in the dialogue with member States, in evaluating the implementation of UNSCR 1373 (2001), in facilitating technical assistance to member States and in promoting closer cooperation and coordination with International, Regional and Sub-regional Organisations. These new challenges make it imperative to revitalize the CTC.

5. The CTC will concentrate on increasing and/or improving the capacity of States and International, Regional and Sub-regional Organisations in the fight against terrorism.

6. The present revitalization gives the CTC the proper means to fulfil its task within the existing UN structure without becoming a burden to its system or finances, and without setting a precedent for other bodies of the Security Council. All the measures envisaged in this paper, including the reinforced structure, should not increase in a disproportionate way the budget and resources already allocated to the CTC.

III. GOALS OF THE REVITALISATION

7. The CTC must therefore be reformed in order to adequately fulfil its responsibilities. Such goals are as follows:

(a) Set clear direction for its future work;

(b) Intensify its efforts to promote and monitor the implementation of all aspects of UNSCR 1373 (2001) by enhancing dialogue on the basis of its guiding principles of cooperation, transparency and even-handedness.

(c) Strengthen the facilitation of technical assistance to States as one of the Committee's priorities;

(d) Strengthen the contacts and coordination with other United Nations bodies;

(e) Enhance cooperation and coordination among International, Regional, and Sub-regional Organisations in the fight against terrorism;

(f) Improve its ability to collect information for monitoring the efforts of member States in their fight against terrorism and to facilitate appropiate Technical Assistance, including through visits with the consent of the State concerned;

(g) Improve its capacity to make recommendations to the Security Council in all areas related to the implementation of UNSCR 1373;

(h) Expedite its work and streamline its procedures;

(i) Adopt a proactive communication strategy;

(j) Develop and maintain a high degree of expertise in every area covered by the UNSCR 1373 (2001), including through the improvement of the working conditions of the CTC's group of experts;

IV. PROPOSAL FOR A NEW STRUCTURE

8. The revitalized CTC would continue to be based in New York. It would consist of the Plenary - composed by the Security Council's member States- and the Bureau, the latter composed by the Chair and the Vice-Chairs, and its reorganized supporting staff of experts and secretariat (Counter Terrorism Committee Executive Directorate - CTED). The Plenary would focus on strategic and policy decisions. The new CTED will be headed by an Executive Director. The staff will consist of two bodies, much as it is now, the Assessment and Technical Assistance Office (ATAO) and the Information and Administrative Office (IAO). The ATAO would be composed of up to 20 persons with the appropiate expertise to be appointed at the appropriate levels, and would be supported by the IAO in charge of meeting the administrative needs of the whole CTC. In order to assure proper financial accountability, the CTC's financial resources will be subject to UN financial rules and regulations.

IV. A. CTC'S CHAIR, VICE CHAIRS AND BUREAU

9. They will all remain largely as they are now with some adjustments that are explained while considering the role of the Plenary and the Executive Director.

10. The Chair and the Vice-Chairs would continue to be elected among the CTC's members.

11. The Chair will preside over CTC's Plenary and Bureau meetings, as well as propose their agenda and timetable.

IV. B. CTC'S PLENARY.

12. The Plenary of the CTC is composed of the members of the Security Council. The Plenary will meet regularly at the United Nations Headquarters in New York. The subcommittees will continue to be an important tool for dialogue between member States and the CTC.

13. The Plenary's main areas of responsibility are to:

(a) Set CTC's priorities;

(b) Promote and monitor the implementation of UNSCR 1373 (2001) in close cooperation with member States;

(c) Refer to the Security Council difficulties arising out of the implementation of UNSCR 1373 (2001) with specific recommendations;

(d) Consider initiatives towards improving technical assistance;

(e) Strengthen the contacts and coordination between the CTC and other United Nations bodies;

(f) Continue to intensify interaction through contacts and/or regular meetings with International, Regional and Sub-regional Organisations with a view to facilitating and improving the implementation of UNSCR 1373 (2001), in particular through an increased coordination of their activities to maximize their available resources and to avoid overlapping;

(g) Continue to report to the Council, through the CTC's Chair, on a quarterly basis, on the work of the CTC and seek Council approval of the CTC's work plan;

(h) Approve the CTED's Programme of Work prepared by the Executive Director;

(i) Review of the Executive Director's reports on the implementation of UNSCR 1373 (2001);
(j) Approve the draft letters, prepared by the Executive Director, to be signed by the Chair;
(k) Approve all other documents or communications from the Chair, when necessary;
(l) Approve official travels of the Chair and the Executive Director;
(m) Approve the CTED's plan of official travels submitted by the Executive Director;
(n) Approve, in advance, all visits of the Chair, Executive Director and CTED's staff to member States, with the consent of the visited State, unless the Security Council decides otherwise.
(o) Review all the above mentioned travels and visits in order to assess their results.

IV.C. EXECUTIVE DIRECTOR

14. The Executive Director will be appointed by the Secretary General after consultation and subject to the approval of the Security Council, following articles 97 to 101 of the Charter and the United Nations staffing rules and regulations. The initial term of the Executive Director will expire on 31st december 2005. Any subsequent terms will be on a yearly basis.

15. The Executive Director will be the head of the CTED, under the policy guidance of the Plenary, and will be responsible for, among others, the following tasks:

(a) Support and advise the Plenary and the Chair in all their functions;
(b) Ensure the comprehensive follow-up of all CTC's decisions, monitoring their execution and evaluating their results;
(c) Propose to the Secretary General the appointment of all assigned staff, in accordance with the relevant articles of the Charter and following the United Nations staffing rules and regulations;

(d) Attend, or be represented, at all the meetings of the Plenary and the Bureau;

(e) Submit, through the Secretary General, a semi-annual comprenhensive report to the Plenary;

(f) Submit, through the Secretary General, the CTED's Programme of Work to the Plenary;

(g) Inform the Plenary about his/her work, on a monthly basis;

(h) Prepare a results-based budget that will be submitted to the Secretary General for his consideration and for further submision to the General Assembly for approval;

(i) Keep the Plenary regularly informed, at least on a monthly basis, on the progress of States in their implementation of UNSCR 1373 (2001) to allow an adequate follow-up on the progress of the fight against terrorism at a global level;

(j) Facilitate the provision of assistance programmes to States in order to further the implementation of UNSCR 1373 (2001) by stregthening contacts with States, other bodies of the UN system, including UNODC, and relevant International, Regional and Sub-regional organisations;

(k) Report on the progress of States in their participation in the relevant international conventions and protocols related to terrorism, in close cooperation with UNODC;

(l) Have overall responsibility for the preparation of draft letters to States related to their reports, ensuring that proper consistency is maintained through all of them, while retaining the tailored approach;

(m) Submit his travels and the travel plans of the staff under his management to the Plenary for approval;

(n) Submit to the Plenary the proposal of all visits, with the consent of the State to be visited;

(o) Pursue relations and collaboration with other bodies of the United Nations system, bringing to the attention of the Plenary ways to improve coordination.

(p) Continue to strengthen cooperation with relevant International, Regional, and Sub-Regional Organisations, bringing to the attention of the Plenary ways to improve it.

(q) Supervise the collection of all relevant information for the follow-up of the implementation of UNSCR 1373 (2001).

(r) Design, propose and implement, with the approval of the Plenary, a proactive communication policy.

IV.D. ASSESSMENT AND TECHNICAL ASSISTANCE OFFICE (ATAO)

16. The Assessment and Technical Assistance Office (ATAO), with expertise in every area of the UNSCR 1373 (2001) and representing all principal legal systems, will:

(a) Have a head of office who will:
- replace the Executive Director during absence,
- assure the proper coordination of the work of the ATAO,
- attend all Plenary meetings,

(b) Follow-up the progress made by States in the implementation of UNSCR 1373;

(c) Liaise with the Office of the UN High Commissioner for Human Rights and other human rights organisations in matters related to counter-terrorism;

(d) Follow-up of the technical assistance needs of member States as well as evaluating its delivery and results with special focus on helping States in the implementation of all aspects of UNSCR 1373 (2001);

(e) Analize reports received in accordance with paragraph 6 of UNSCR 1373 (2001);

(f) Prepare the draft letters in accordance with paragraph 6 of UNSCR 1373 (2001);

IV.E. INFORMATION AND ADMINISTRATION OFFICE (IAO)

17. The Information and Administration Office, will:

(a) Have a head of office who will assure the proper coordination of the work of the IAO,

(b) Assist the whole structure of the CTC, including the CTED;

(c) Implement the proactive comunications policy;

(d) Support the CTED in gathering relevant information;

(e) Keep the registry and file keeping;

(f) Oversee administrative, personnel and financial matters;

(g) Follow-up the CTC's expenditures;

(h) Manage the CTC's website, publications and documents;

V. CONCLUSIONS

18. With the approval of the CTC's Member States, a draft resolution of the Security Council reflecting the main ideas of this report, will be presented. This draft resolution will not modify UNSCR 1373 (2001) or other existing relevant resolutions.

19. The proposed Resolution would consolidate the group of experts and the support staff from the secretariat in order to enhance the Security Council's ability to monitor and encourage implementation through a strengthened CTC.

20. This resolution would provide for the distribution of functions within the new CTC structure and establish limits to the number of personnel allocated to the Committee. It will also provide for a comprehensive Security Council review by 31st december 2005 and include a sunset clause set for 31st december 2007.

21. The draft resolution of the Security Council should include the request to the Secretary General, within 30 days of its adoption, to appoint the Executive Director, after consultation with and subject to the approval of the Security Council.

22. The Security Council should request the Executive Director to prepare, and present, through the Secretary General, to the Plenary of the CTC, no later than two months after his/her appointment, an Action Plan for the Revitalisation of the CTC following the guidelines of the present report including all budgetary, institutional, administrative and other aspects with the concrete measures and procedures to be taken.